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THE CITY OF NEW YORK

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November 26, 2010

VIA FACSIMILE
Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

USDNY
DOCUMENT
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DOC #: _____
DATE FILED: 11-29-10

Re: Lamar Dennis v. City of New York, et al.
        10-CV-8289 (VM)(RLE)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. Defendant City respectfully requests a sixty day extension of time to answer or otherwise respond to the complaint from November 25, 2010 until January 25, 2011. Plaintiff's counsel, Ms. Raysor, communicated to me that she consents to the City's request for an enlargement of time.

In the complaint, plaintiff alleges, *inter alia*, that he was the subject of false arrest by members of the New York City Police Department. These allegations stem from plaintiff's arrest on June 17, 2010, and he alleges that events which occurred on that date resulted in violations of his constitutional rights. Plaintiff was held by police for fifteen minutes and eventually permitted to leave.
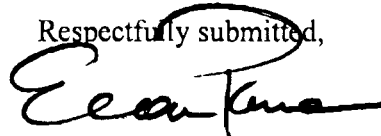
There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations set forth in the complaint. Furthermore, it is our understanding that the records of the underlying criminal actions, including police records, may have been sealed pursuant to N.Y. Crim. Pro. L. § 160.50. Therefore, this office has forwarded to plaintiff for execution consents and authorizations for the release of sealed arrest and criminal prosecution records so that defendant City can access the information, evaluate the claims in the complaint, and properly respond to the allegations therein.

Additionally, I respectfully note for the Court's information that, according to the civil docket sheet, the individually named defendants, Officer Neil Lawson, Officer Angelica Salmeron, and Officer Joseph Carrasco, have not been served with process to date. Thus, this enlargement should give plaintiff time to serve the named officer defendants. If Officers Lawson, Salmeron, and Carrasco, are timely served, this enlargement may also allow this office time to conduct an inquiry to determine whether it will represent them in this action. See General Municipal Law § 50(k); Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law). Finally, as this office has not discussed representation with Officers Lawson, Salmeron, and Carrasco, this request for an extension of time is not made on their behalf. However, given the time involved in determining the representation of an employee of the New York City Police Department, and in the interest of judicial economy, we hope that the court may, *sua sponte*, extend their time to respond as well if they are served in a timely manner.

Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended sixty days from November 25, 2010 until January 25, 2011. No previous request for an extension has been made in this case.

Thank you for your consideration in this regard.

Respectfully submitted,

Elan Parra (EP 9612)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Via Facsimile
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> **Request GRANTED. The time for defendant(s) to answer or otherwise move with respect to the complaint in this action is extended to __1-25-11__.**
>
> **SO ORDERED.**
>
> __11-18-10__ /s/ _____
> DATE   VICTOR MARRERO, U.S.D.J.

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